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11 Attorney for Jimmy Carter Kim

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 JIMMY CARTER KIM,
18 Defendant.

19 Case No. 2:18-mj-00836-CWH

20 **STIPULATION TO CONTINUE
21 PRELIMINARY HEARING**
(Third Request)

22 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
23 States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for the
24 United States of America, and Rene L. Valladares, Federal Public Defender, and Rebecca A.
25 Levy, Assistant Federal Public Defender, counsel for Jimmy Carter Kim, that the Preliminary
26 Hearing currently scheduled on Friday, January 4, 2019 at 4:00 p.m., be vacated and continued
to a date and time convenient to the Court, however no sooner than ninety (90) days.

27 This Stipulation is entered into for the following reasons:

28 1. The parties require additional time to discuss the potential for a Pre-Indictment
29 negotiation.

30 2. Counsel for the defendant will require additional time to review and investigate
31 discovery and meet with the client to discuss the details prior to proceeding.

1 3. The Defendant is in custody and does not object to the continuance.
2 3. Both parties agree to the continuance.
3 4. Additionally, denial of this request for continuance could result in a miscarriage
4 of justice.

5 5. The additional time requested by this stipulation is excludable in computing the
6 time within which the defendant must be indicted and the trial herein must commence pursuant
7 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(8)(A), considering the factors under
8 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).

9 This is the third request for continuance filed herein.

10 DATED this 3rd day of January, 2019.

11
12 RENE L. VALLADARES
13 Federal Public Defender

DAYLE ELIESON
United States Attorney

14 */s/ Rebecca A. Levy*
15 By _____
16 REBECCA A. LEVY
17 Assistant Federal Public Defender

18 */s/ Christopher Burton*
19 By _____
20 CHRISTOPHER BURTON
21 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JIMMY CARTER KIM,
Defendant.

Case No. 2:18-mj-00836-CWH

ORDER

JIMMY CARTER KIM,
Defendant

Based on the Stipulation of counsel, good cause appearing therefore:

IT IS HEREBY ORDERED that the Preliminary Hearing currently scheduled on Friday, January 4, 2019 at the hour of 4:00 p.m., be vacated and continued to April 8, 2019 at the hour of 4:00 p.m.

DATED this 3 day of January, 2019.

UNITED STATES MAGISTRATE JUDGE